

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IMAD DAWARA,

Petitioner,

v.

WARDEN,

Respondent.

Civil Action No. 23-21817 (RBK)

DECLARATION OF CYNTRENA CROSS-PEAT

I, Cyntrena Cross-Peart do hereby declare, certify and state as follows:

1. I am a Senior Attorney Advisor at the Federal Correctional Institution in Fort Dix, New Jersey (“FCI Fort Dix”). I have held this position since April 2021. I have been employed with the United States Department of Justice (“DOJ”), Federal Bureau of Prisons (“BOP”) since February 2003.

2. I am aware that on or around November 2, 2023, Imad Dawara, Register Number 69939-066 ("Petitioner"), a filed a petition for writ of habeas corpus. Petitioner is a federal inmate currently incarcerated at FCI Fort Dix. See **Exhibit 1** SENTRY Public Information Inmate Data.

3. In the petition, Petitioner challenges the BOP's decision to not place him on home confinement pursuant to the Coronavirus Aid, Relief, and Economic Security ("CARES") Act. Specifically, Petitioner contends the BOP erroneously classified him as being convicted of a “crime of violence” which rendered him

ineligible for placement on home confinement under the CARES Act.

4. As part of my official duties, I have access to BOP files maintained in the ordinary course of business on inmates incarcerated within the Federal Bureau of Prisons. I make this declaration in connection with the Respondent's response to the petition for writ of habeas corpus filed by Petitioner.

5. The Bureau of Prisons has established an administrative remedy procedure through which an inmate can seek formal review of any complaint regarding any aspect of his imprisonment. See 28 C.F.R. § 542, et seq.

6. The deadline for completion of informal resolution and submission of a formal written Administrative Remedy Request, on the appropriate form (BP-9), is 20 calendar days following the date on which the basis for the Request occurred. See 28 C.F.R. § 542.14a.

7. In order to exhaust administrative remedies, an inmate must first present his complaint to the Warden of the institution where he is confined. He may then further appeal an adverse decision to the Regional Director within 20 calendar days of the date the Warden signed the response. An inmate who is not satisfied with the Regional Director's response may submit an appeal to the Central Office, General Counsel, within 30 calendar days of the date the Regional Director signed the response. No administrative remedy appeal is considered to have been finally exhausted until it has been denied by the Bureau of Prisons' Central Office. For a DHO appeal, the inmate shall appeal directly to the Regional Director, and does not

have to initially file with the Warden. See 28 C.F.R. §542.14 (d) (2).

8. In the ordinary course of business, computerized indexes of all administrative appeals filed by inmates are maintained so that rapid verification may be made as to whether an inmate has exhausted administrative appeals on a particular issue. On or about January 19, 2024, I accessed the computerized indexes of all administrative remedies filed by Petitioner. See Exhibit 1, SENTRY Administrative Remedy Generalized Retrieval.

9. Petitioner's computerized index reflects on July 26, 2023, Petitioner filed Administrative Remedy Case No. 1170112-F1, requesting to be placed on home confinement via the CARES Act. On November 15, 2023, the Warden at FCI Fort denied Petitioner's request. See Exhibit 1 at p. 4.

10. On August 31, 2023, Petitioner appealed the Warden's decision in Administrative Remedy Case No. 1170112-F1 (Case No. 1170112-R1) to the BOP's Regional Office in Philadelphia, Pennsylvania. On December 22, 2023, Petitioner's appeal in Case No 1170112-R1 was denied. See Exhibit 1 at p. 4.

11. Petitioner's computerized index does not reflect that Petitioner has filed an administrative appeal with the BOP's Central Office in Washington, D.C. regarding the Regional Office's decision in Administrative Remedy Case No. 1170112-R1. See Exhibit 1.

12. Program Statement 5100.08, Inmate Security Designation and

Custody Classification¹ is the BOP's policy that provides the procedure regarding the Bureau of Prisons inmate classification system. The Bureau's classification, designation, and redesignation procedures are consistent with the statutory authority contained in 18 U.S.C. § 3621(b). All classification, designation, and redesignation decisions are made without favoritism given to an inmate's social or economic status.

13. As reflected in Program Statement 5100.08, a classification of "Serious History of Violence" is made when there has been a finding of guilt made reflecting that an individual engaged in aggressive or intimidating behavior which is likely to cause serious bodily harm or death (e.g., aggravated assault, domestic violence, intimidation involving a weapon, incidents involving arson or explosives, rape, etc.).See Program Statement 5100.08, Chapter 4, Page 10, at p. 37.

14. Petitioner's Public Information Inmate Data reflects on June 22, 2021, he was sentenced to a 108-month term of imprisonment after being convicted of Conspiracy to Commit Arson, and Conspiracy to Defraud the United States in violation of 18 U.S.C. §844(n) and 18 U.S.C. § 371. See **Exhibit 2**.

15. As further reflected in Program Statement 5100.08, the BOP's offense severity scale classifies the offense of arson as a "Greatest Severity" offense due to the substantial risk of death or bodily injury posed by the offense. See Program Statement 5100.08, Appendix A, Page 1 at p. 99.

¹ See Program Statement 5100.08, accessible at https://www.bop.gov/policy/progstat/5100_008cn.pdf.

16. Attached hereto, please find true and correct copies of the following documents:

- Exhibit 1 - SENTRY Administrative Remedy Generalized Retrieval; and
- Exhibit 2 – SENTRY Public Information Inmate Data.

I declare that any and all records attached to this declaration are true and accurate copies maintained in the ordinary course of business by the Federal Bureau of Prisons. I further declare that the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. §1746.

Cyntrena Cross-Peart
Cyntrena Cross-Peart
Senior Attorney Advisor
FCI Fort Dix

January 19, 2024
Date

Exhibit 1

FTDCW

*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL *

01-19-2024

PAGE 001 OF

15:49:32

FUNCTION: L-P SCOPE: REG EQ 69939-066 OUTPUT FORMAT: FULL

-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----

DT RCV: FROM _____ THRU _____ DT STS: FROM _____ THRU _____

DT STS: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT RDU

DT TDU: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT TRT

STS/REAS: _____

SUBJECTS: _____

EXTENDED: _ REMEDY LEVEL: _ _ RECEIPT: _ _ _ "OR" EXTENSION: _ _ _

RCV OFC : EQ _____

TRACK: DEPT: _____

PERSON: _____

TYPE: _____

EVNT FACL: EQ _____

RCV FACL.: EQ _____

RCV UN/LC: EQ _____

RCV QTR.: EQ _____

ORIG FACL: EQ _____

ORG UN/LC: EQ _____

ORIG QTR.: EQ _____

G0002

MORE PAGES TO FOLLOW . . .

FTDCW *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 01-19-2024
 PAGE 002 OF * FULL SCREEN FORMAT * 15:49:32

REGNO: 69939-066 NAME: DAWARA, IMAD
 RSP OF...: FTD UNT/LOC/DST: 13 RDAP QTR.: S01-364L RCV OFC: FTD
 REMEDY ID: 1136185-F1 SUB1: 32EM SUB2: DATE RCV: 09-28-2022
 UNT RCV.:UNIT 5841 QTR RCV.: W03-204L FACL RCV: FTD
 UNT ORG.:UNIT 5841 QTR ORG.: W03-204L FACL ORG: FTD
 EVT FACL.: FTD ACC LEV: FTD 1 NER 1 RESP DUE: MON 11-07-2022
 ABSTRACT.: REQUESTS COPIES OF PSR
 STATUS DT: 11-14-2022 STATUS CODE: CLD STATUS REASON: DNY
 INCRPTNO.: RCT: P EXT: P DATE ENTD: 10-05-2022
 REMARKS..:

CURRENT INVESTIGATIVE AND RELIEF TRACKING DATA					
DATE DUE	DEPARTMENT	TO	DATE ASSN	TRK TYPE	DATE RETURNED
WED 10-12-2022	CORR PGM	RB	10-05-2022	INV	11-09-2022

REGNO: 69939-066 NAME: DAWARA, IMAD
 RSP OF...: FTD UNT/LOC/DST: 13 RDAP QTR.: S01-364L RCV OFC: NER
 REMEDY ID: 1136185-R1 SUB1: 32EM SUB2: DATE RCV: 12-05-2022
 UNT RCV.:UNIT 5841 QTR RCV.: W03-204L FACL RCV: FTD
 UNT ORG.:UNIT 5841 QTR ORG.: W03-204L FACL ORG: FTD
 EVT FACL.: FTD ACC LEV: FTD 1 NER 1 RESP DUE: FRI 02-03-2023
 ABSTRACT.: REQUESTS COPIES OF PSR
 STATUS DT: 02-15-2023 STATUS CODE: CLD STATUS REASON: DNY
 INCRPTNO.: RCT: P EXT: P DATE ENTD: 01-27-2023
 REMARKS..:

G0002 MORE PAGES TO FOLLOW . . .

FTDCW *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 01-19-2024
 PAGE 003 OF * FULL SCREEN FORMAT * 15:49:32

REGNO: 69939-066 NAME: DAWARA, IMAD
 RSP OF...: FTD UNT/LOC/DST: 13 RDAP QTR.: S01-364L RCV OFC: BOP
 REMEDY ID: 1136185-A1 SUB1: 32EM SUB2: DATE RCV: 02-02-2023
 UNT RCV...:13 RDAP QTR RCV.: S02-193L FACL RCV: FTD
 UNT ORG...:UNIT 5841 QTR ORG.: W03-204L FACL ORG: FTD
 EVT FACL.: FTD ACC LEV: FTD 1 NER 1 RESP DUE:
 ABSTRACT.: REQUESTS COPIES OF PSR
 STATUS DT: 02-24-2023 STATUS CODE: REJ STATUS REASON: RAP RSA
 INCRPTNO.: RCT: EXT: DATE ENTD: 02-24-2023
 REMARKS..:

REGNO: 69939-066 NAME: DAWARA, IMAD
 RSP OF...: FTD UNT/LOC/DST: 13 RDAP QTR.: S01-364L RCV OFC: FTD
 REMEDY ID: 1170112-F1 SUB1: 31ZM SUB2: DATE RCV: 07-26-2023
 UNT RCV...:13 RDAP QTR RCV.: S02-193L FACL RCV: FTD
 UNT ORG...:13 RDAP QTR ORG.: S02-193L FACL ORG: FTD
 EVT FACL.: FTD ACC LEV: FTD 1 NER 1 RESP DUE: TUE 08-15-2023
 ABSTRACT.: REQUESTS H/C VIA CARES ACT
 STATUS DT: 08-14-2023 STATUS CODE: CLD STATUS REASON: DNY
 INCRPTNO.: RCT: P EXT: DATE ENTD: 07-28-2023
 REMARKS..:

CURRENT INVESTIGATIVE AND RELIEF TRACKING DATA					
DATE DUE	DEPARTMENT	TO	DATE ASSN	TRK TYPE	DATE RETURNED
FRI 08-04-2023	CORR PGM	BV	07-28-2023	INV	08-15-2023

G0002 MORE PAGES TO FOLLOW . . .

FTDCW *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 01-19-2024
PAGE 004 OF 004 * FULL SCREEN FORMAT * 15:49:32

REGNO: 69939-066 NAME: DAWARA, IMAD
RSP OF...: FTD UNT/LOC/DST: 13 RDAP QTR.: S01-364L RCV OFC: NER
REMEDY ID: 1170112-R1 SUB1: 31ZM SUB2: DATE RCV: 08-31-2023
UNT RCV.:13 RDAP QTR RCV.: S02-193L FACL RCV: FTD
UNT ORG.:13 RDAP QTR ORG.: S02-193L FACL ORG: FTD
EVT FACL.: FTD ACC LEV: FTD 1 NER 1 RESP DUE: MON 10-30-2023
ABSTRACT.: REQUESTS H/C VIA CARES ACT
STATUS DT: 12-22-2023 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: P DATE ENTD: 11-15-2023
REMARKS..:

G0000 5 REMEDY SUBMISSION(S) SELECTED
TRANSACTION SUCCESSFULLY COMPLETED

Exhibit 2

FTDCW	*	PUBLIC INFORMATION	*	01-19-2024
PAGE 001	*	INMATE DATA	*	16:04:12
		AS OF 01-19-2024		

REGNO...: 69939-066 NAME: DAWARA, IMAD

RESP OF: FTD

PHONE...: 609-723-1100

FAX: 609-724-7557

RACE/SEX...: WHITE / MALE

AGE: 44

PROJ REL MT: GOOD CONDUCT TIME RELEASE

PAR ELIG DT: N/A

PROJ REL DT: 06-16-2027

PAR HEAR DT:

G0002 MORE PAGES TO FOLLOW . . .

FTDCW
PAGE 002

*
*

PUBLIC INFORMATION
INMATE DATA
AS OF 01-19-2024

*
*

01-19-2024
16:04:12

REGNO.: 69939-066 NAME: DAWARA, IMAD

RESP OF: FTD

PHONE.: 609-723-1100 FAX: 609-724-7557

FSA ELIGIBILITY STATUS IS: ELIGIBLE

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.

HOME DETENTION ELIGIBILITY DATE....: 12-16-2025

FINAL STATUTORY RELEASE FOR INMATE.: 06-16-2027 VIA GCT REL

WITH APPLIED FSA CREDITS.: 365 DAYS

THE INMATE IS PROJECTED FOR RELEASE: 06-16-2026 VIA FSA REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: PENNSYLVANIA, EASTERN DISTRICT

DOCKET NUMBER.....: DPAE2:19CR414-001 &

JUDGE.....: SANCHEZ

DATE SENTENCED/PROBATION IMPOSED: 06-22-2021

DATE COMMITTED.....: 07-07-2021

HOW COMMITTED.....: US DISTRICT COURT COMMITMENT

PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$200.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$22,214,945.52

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 125 18:844 OTHER THAN F3,H,I

OFF/CHG: 18:844(N) CONSPIRACY TO COMMIT ARSON CT.1 (19-CR-414-1);18:371

CONSPIRACY TO DEFRAUD THE UNITED STATES CT.1 (20-CR-104-1)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE

SENTENCE IMPOSED/TIME TO SERVE.: 108 MONTHS

TERM OF SUPERVISION.....: 5 YEARS

DATE OF OFFENSE.....: 02-18-2018

G0002 MORE PAGES TO FOLLOW . . .

FTDCW *
 PAGE 003 OF 003 *

PUBLIC INFORMATION
 INMATE DATA
 AS OF 01-19-2024

* 01-19-2024
 * 16:04:12

REGNO.: 69939-066 NAME: DAWARA, IMAD

RESP OF: FTD

PHONE.: 609-723-1100 FAX: 609-724-7557

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 06-21-2022 AT DSC AUTOMATICALLY
 COMPUTATION CERTIFIED ON 06-21-2022 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
 CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 06-22-2021
 TOTAL TERM IN EFFECT.....: 108 MONTHS
 TOTAL TERM IN EFFECT CONVERTED.: 9 YEARS
 EARLIEST DATE OF OFFENSE.....: 02-18-2018

JAIL CREDIT.....:	FROM DATE	THRU DATE
	10-16-2019	06-21-2021

TOTAL PRIOR CREDIT TIME.....: 615
 TOTAL INOPERATIVE TIME.....: 0
 TOTAL GCT EARNED AND PROJECTED..: 486
 TOTAL GCT EARNED.....: 216
 STATUTORY RELEASE DATE PROJECTED: 06-16-2027
 ELDERLY OFFENDER TWO THIRDS DATE: 10-15-2025
 EXPIRATION FULL TERM DATE.....: 10-14-2028
 TIME SERVED.....: 4 YEARS 3 MONTHS 4 DAYS
 PERCENTAGE OF FULL TERM SERVED..: 47.3
 PERCENT OF STATUTORY TERM SERVED: 55.5

PROJECTED SATISFACTION DATE.....: 06-16-2026
 PROJECTED SATISFACTION METHOD...: FSA REL
 WITH FSA CREDITS INCLUDED...: 365

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE